



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Regulation 10 of the Tenancy Deposit Schemes (Scotland) Regulations 2011

Chamber Ref: FTS/HPC/PR/24/5065

Re: Property at 19A Wellmeadow Street, Paisley, PA1 2EF (“the Property”)

Parties:

Mr Ramsey Ronalds, 19A Wellmeadow Street, Paisley, PA1 2EF (“the Applicant”)

Mr Stuart Henderson, 9 Hunterhill Rd, Paisley, PA2 6SR (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an order for payment of a sanction in relation to an alleged failure on the part of the Respondent to pay a tenancy deposit paid to him by the Applicant into an approved scheme and carry out the other duties incumbent on it in terms of reg.3 of the Tenancy Deposit Schemes (Scotland) Regulations 2011 (‘the Regulations’). It called for a case management discussion (‘CMD’) at 10am on 9 May 2025, by teleconference. The Applicant was on the line in-person. The Respondent was not on the line or represented. The commencement of the CMD was delayed by 10 minutes, in case there was some technical issue; but there remained no contact from him.

The application, with notice of the CMD, was served on the Respondent on 6 March 2025, by sheriff officers. The Tribunal was therefore satisfied that the Respondent had chosen not to oppose the application.

- Findings in Fact

1. The Applicant rented the Property from the Respondent in terms of private residential tenancy with a start date of 25 August 2022.
2. In terms of that agreement, a deposit of £200 was paid to the Respondent by the Applicant on 30 August 2022.
3. The Respondent has not paid the deposit into an approved scheme or provided any of the information required under reg.42 of the Regulations.
4. The tenancy agreement drafted by the Respondent was wrongly set out as an assured tenancy.
5. The Respondent is not registered as a landlord in relation to the Property.
6. The Respondent has not engaged with the Applicant at any point in relation to this matter, even following the raising of this application.
7. The Applicant has moved out of the Property since the raising of this application.
8. The Respondent has not returned the deposit.

- Reasons for Decision

9. The Respondent has shown a worrying disregard for the duties incumbent upon him as a landlord. This is evident not just from its complete failure to comply with the terms of reg.3 of the Regulations; but also from his use of the incorrect form of tenancy agreement, his lack of registration, his failure to engage with the Applicant in addressing the matter, and his disregard for the Tribunal process, which extended even to failing to appear at the CMD. The Applicant has been significantly prejudiced by the Respondent's failure, in that he does not now have resort to any dispute resolution procedure in regard to the return of his deposit, the tenancy having ended.

10. In these circumstances, the Tribunal considered that only a sanction at the top end of the scale would be sufficient to reflect the gravity of the Respondent's failure. It therefore granted an order for payment to the Applicant of three times the deposit, or £600.

- Decision

Order made for payment by the Respondent to the Applicant of the sum of SIX HUNDRED POUNDS STERLING (£600).

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to

them.

Nairn Young

Nairn Young

9 May 2025

Legal Member/Chair

Date